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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

February 5, 2018

Danny Legarreta
Operations Manager
Southwest New Mexico Regional Landfill
318 Ridge Road
Silver City, NM 88061

Re: **Southwest New Mexico Regional Landfill; MSGP; SIC 4953; NPDES Compliance Evaluation Inspection; NPDES #NMU001958; January 17, 2018**

Dear Mr. Brown:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "further explanations" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

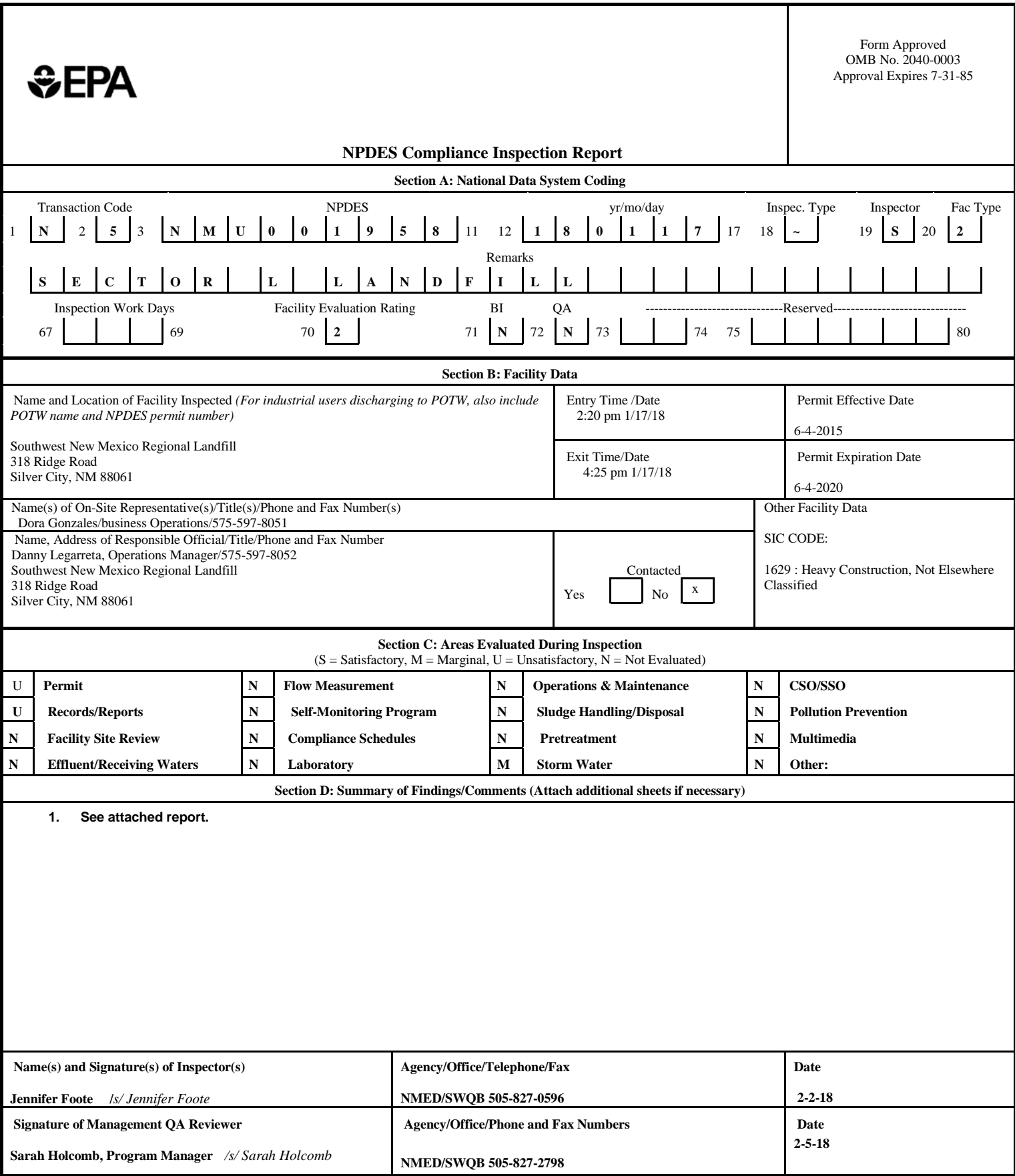
If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Mike Kesler, NMED District III by e-mail



**Southwest New Mexico Regional Landfill
Compliance Evaluation Inspection
NPDES Permit No. NMU001958
January 17, 2018
Further Explanations**

Introduction

On January 17, 2018, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at Southwest New Mexico Regional Landfill. The inspection was conducted in response to an anonymous complaint received by NMED about construction activities at the site. The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for industrial activity and stormwater regulations under 40 Code of Federal Regulations (CFR) 122.26.

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

The Inspector arrived on site at 2:20PM on January 17, 2018 and conducted an entrance interview with Dora Gonzales the Landfill Business Operations Manager, where she made introductions, presented credentials and explained the purpose of the inspection. The inspector reviewed the onsite SWPPP, toured the site, and then conducted an exit interview with Ms. Gonzales to discuss the preliminary findings of this inspection at approximately 4:15 pm.

This facility is a municipal solid waste landfill, and is also permitted to accept sludge, offal and construction and demolition debris. Operations began in 1994. Stormwater runoff from this facility may discharge into the Graveyard Draw on the west side of the facility and thus to San Vicente Arroyo and Mimbres River Closed Basin, Segments 20.6.4.98.

Findings:

Section 301 (a) of the Federal Water Pollution Control Act (a.k.a. Clean Water Act) states that "Except as in compliance with this section and sections 302, 206, 207, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

40 Code of Federal Regulations Part 122.21 (a) Duty of apply (1) states "Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."

In Part 1.2.1 of the MSGP, it states, "To be covered under this permit, you must submit to EPA a complete and accurate NOI by the deadline applicable to your facility"

Southwest New Mexico Regional Landfill was covered under the 2008 MSGP permit (tracking # NMR05H883) under Sector L Subsector L.2, Sector L subsector L.1, and Sector K subsector K.1 **but has not yet reapplied for coverage under the 2015 MSGP by the due date of September 2, 2015.** The facility stated they were currently in the process of getting their SWPPP updated.

CBKN Dirtworks has coverage under the CGP permit for construction activities for the Southwest New Mexico Regional Landfill Cells 1-4 Final Cover Construction Project. Once a landfill begins operations,

normal closure of landfill cells is covered under the industrial permitting requirements as normal aspects of continued landfill operations and this facility is not required to also apply for coverage under the CGP. However the activities must be included in an update to the MSGP SWPPP.

The current SWPPP was dated November 2010 and there were no updates to the plan at the time of the inspection. Completed monthly inspections were in the plan only from March 2011-December 2011, and no records of annual reports were available. There were no records of training for the Pollution Prevention Team or other employees who work in areas where industrial materials or activities are exposed to stormwater. The SWPPP map had not been updated and did not show locations of all potential pollutants or BMPs currently on site. The six offsite transfer stations were not included in the SWPPP.

The current SWPPP states that the facility has been designed not to discharge and therefore there are no procedures for sampling or monitoring of discharges included in the SWPPP and no records of any visual or analytical monitoring if a discharge did occur. The plan alluded to at least one area where the berm had broken down and required repairs and monitoring for the no discharge statement to be fulfilled. During the January 17, 2018 inspection, several areas were noted where stormwater could enter the arroyo or otherwise leave the property. The plastic drainpipe on the diesel secondary containment was open and there were signs of staining on the ground.

NMED/SWQB Official Photograph Log		
Photo # 1		
Photographer: Jennifer Foote	Date: 6/7/2014	Time: n/a
City/County: Silver City/Grant Co.		State: New Mexico
Location: Southwest Regional Landfill		
Subject: aerial photo from June 2014 of landfill with Graveyard Draw on the left		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 1/17/18	Time: 3:36 pm
City/County: Silver City/Grant Co.	State: New Mexico	
Location: Southwest Regional Landfill		
Subject: open drain pipe from diesel secondary containment		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 1/17/18	Time: 3:36 pm
City/County: Silver City/Grant Co.	State: New Mexico	
Location: Southwest Regional Landfill		
Subject: fuel storage and soil staining		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 1/17/18	Time: 3:55 pm
City/County: Silver City/Grant Co.		State: New Mexico
Location: Southwest Regional Landfill		
Subject: erosion on southwest side of site		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Jennifer Foote	Date: 1/17/18	Time: 4:04 pm
City/County: Silver City/Grant Co.		State: New Mexico
Location: Southwest Regional Landfill		
Subject: erosion on west side of site		



Attachment: Permittee Response

Board Members

Alex C. Brown, Chair, Silver City
Charlene Webb, Grant County
Ed Stevens, Hurley
Chon Fierro, City of Bayard
Richard Bauch, Santa Clara
Ken Ladner, Silver City
Brett Kasten, Grant County

Southwest Solid Waste Authority

Phone: 575-388-8051 Fax: 575-538-0640

len
Danny Legarreta
Operations Supervisor

318 Ridge Road
Silver City, NM

P.O. Box 2617
Silver City, NM 88062

RECEIVED

MAR 22 2018

**SURFACE WATER
QUALITY BUREAU**

March 7, 2018

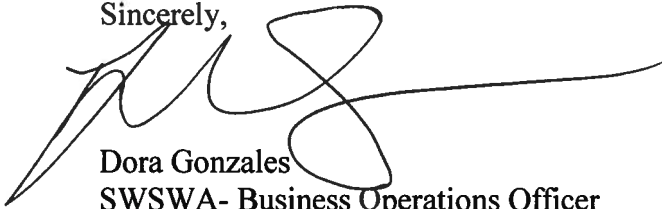
NMED, USEPA

To Whom It May Concern:

SWSWA has received and reviewed the inspection report that was completed on January 17, 2018. Attached you will find photos that show proof of remedy of the issues addressed in the report. In regards to the SWPPA update, SWSWA is currently contracted with Gordon-PCS to update and renew the current SWPPA and become compliant with USEPA and NMED requirements.

If you have any questions in regards to the SWPPA update, or any of the attached photos please contact myself, Dora Gonzales at 575-597-8051 businessops@swswa.com or Danny Legarreta at 575-597-8052 landfill@swswa.com. Thank you for your time and consideration.

Sincerely,



Dora Gonzales
SWSWA- Business Operations Officer



